UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,586	03/08/2001	Shigeru Ohuchida	R2180.0104/P0104	1448

24998 7590 12/05/2003

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER	
BATTAGLIA, MICHAEL V	
ART UNIT	**PAPER NUMBER**
2652	7

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/800,586	OHUCHIDA ET AL.	
	Examiner	Art Unit	
	Michael V Battaglia	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-19* is/are rejected.

7)☒ Claim(s) *6 and 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 March 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *19-20* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The drawings are objected to because Fig. 11 is labeled as "Prior Art", but is described in the specification as showing an embodiment of the present invention. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plural reflecting portions of the reflecting portion of the optical device of the optical pickup apparatus must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 14 is objected to because of the following informality: On line 21 of claim 14, the examiner suggests replacing ";;" with -;-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda (US 6,084,844).

In regard to claim 1, Takeda discloses an optical pickup apparatus for reading/reproducing data on an optical recording medium, comprising: a light source configured to emit a light beam (Figs. 1A, 1B, and 2B; element 2); a diffracting device configured to transmit the light beam emitted from the light source, and to diffract a light beam reflected from the optical recording medium (Figs. 1A, 1B, and 3C; elements 33-34); an optical device having a reflecting portion and a transmitting portion, configured to reflect one part of the light beam emitted from the light source to the diffracting device by the reflecting portion and to transmit another part of the light beam emitted from the light source to the optical recording medium by the transmitting portion, and to transmit the light beam reflected from the optical recording medium to the diffracting device by

the transmitting portion (Figs. 1A, 1B, and 3C; elements 31 and 35); a photodetecting device configured to detect the light beam reflected from the optical recording medium through the optical device and the diffracting device, for signal light detection (Figs. 1B and 2B, element 7); and wherein the diffracting device includes a diffracting portion to diffract the one part of the light beam reflected by the reflecting portion of the optical device to the photodetecting device for monitor light detection of the light source (Fig. 3C, element 34 and Figs. 1A and 2B, element 8).

In regard to claim 2, Takeda discloses that the diffraction device is a transmitting type diffraction device (Figs. 1A, 1B, and 3C; elements 33-34).

In regard to claim 3, Takeda discloses that the optical device is integrated with the diffracting device (Fig. 3C).

In regard to claim 4, Takeda discloses that the diffracting device is a polarization hologram whose diffracting function is different according to a polarization state of the incident light beam, and includes a polarization hologram portion configured to diffract the light beam reflected from the optical device to the photodetecting device for monitor light detection (Col. 7, lines 40-60).

In regard to claim 9, Takeda discloses that a section of the diffracting device at a side of the optical device form a section of bilateral asymmetry (Fig. 3A, element 34).

In regard to claim 10, Takeda discloses an optical pickup apparatus for reading/ reproducing data on an optical recording medium, comprising: light emitting means for emitting a light beam (Figs. 1A and 1B, element 2); diffracting means for transmitting the light beam emitted from the light emitting means, and for diffracting a light beam reflected from the optical recording medium (Figs. 1A, 1B, and 3C; elements 33-34); optical means having a reflecting portion and a transmitting portion, for reflecting one part of the light beam emitted from the light emitting means to the diffracting means by the reflecting portion and for transmitting another part of the light beam

emitted from the light emitting means to the optical recording medium by the transmitting portion, and for transmitting the light beam reflected from the optical recording medium to the diffracting means by the transmitting portion (Figs. 1A, 1B, and 3C; elements 31 and 35); detecting means for detecting the light beam reflected from the optical recording medium through the optical device with reflecting portion and the diffracting device, for signal light detection (Figs. 1A and 1B, elements 7-8); and wherein the diffracting device includes a diffracting portion to diffract the one part of the light beam reflected by the reflecting portion of the optical means to the detecting means for monitor light detection of the light emitting means (Fig. 3C, element 34 and Fig. 1A, element 8).

7. Claims 12, 14, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kay et al (hereafter Kay) (US 5,544,143).

In regard to claim 12, Kay discloses an optical data recording/ reproducing apparatus for recording/reproducing data on an optical recording medium, comprising: a light source configured to emit a light beam (Fig. 1, element 40); a diffracting device configured to transmit the light beam emitted from the light source, and to diffract a light beam reflected from the optical recording medium (Fig. 1, element 42); an optical device having a reflecting portion and a transmitting portion, configured to reflect one part of the light beam emitted from the light source to the diffracting device by the reflecting portion and to transmit another part of the light beam emitted from the light source to the optical recording medium by the transmitting portion, and to transmit the light beam reflected from the optical recording medium to the diffracting device by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); a collimating lens configured to collimate the light beam transmitted through the transmitting portion of the optical device with reflecting portion (Fig. 1, element 44); an objective lens configured to focus the light

beam from the collimating lens onto the optical recording medium (Fig. 1, element 52); a photodetecting device configured to detect the light beam reflected from the optical recording medium through the objective lens, the collimating lens, the optical device, and the diffracting device, for signal light detection (Fig. 1, element 68); and wherein the diffracting device includes a diffracting portion to diffract the one part of the light beam reflected by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection of the light source (Fig. 1, elements 42 and 72).

In regard to claim 14, Kay discloses an optical data recording/ reproducing apparatus for recording/reproducing data on an optical recording medium, comprising: light emitting means for emitting a light beam (Fig. 1, element 40); diffracting means for transmitting the light beam emitted from the light emitting means, and for diffracting a light beam reflected from the optical recording medium (Fig. 1, element 42); optical means having a reflecting portion and a transmitting portion, for reflecting one part of the light beam emitted from the light emitting means to the diffracting means by the reflecting portion and for transmitting another part of the light beam emitted from the light emitting means to the optical recording medium by the transmitting portion, and for transmitting the light beam reflected from the optical recording medium to the diffracting device by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); collimating means for collimating the light beam transmitted through the transmitting portion of the optical means (Fig. 1, element 44); focusing means for focusing the light beam from the collimating means to the optical recording medium (Fig. 1, element 52); detecting means for detecting the light beam reflected from the optical recording medium through the collimating means, the focusing means, the optical means, and the diffracting means, for signal light detection (Fig. 1, element 68); and wherein the diffracting means includes a diffracting portion to diffract the part of the light beam reflected by the

reflecting portion of the optical means to the detecting means, so as to be detected on the detecting means for monitor light detection of the light emitting means (Fig. 1, elements 42 and 72).

In regard to claim 16, Kay discloses an optical data recording/reproducing method for recording/reproducing data on an optical recording medium, comprising: emitting a light beam by a light source (Fig. 1, element 40); transmitting the light beam emitted from the light source and diffracting a light beam reflected from the optical recording medium by a diffracting device (Fig. 1, element 42); reflecting one part of the light beam emitted from the light source to the diffracting device by a reflecting portion of an optical device and transmitting another part of the light beam emitted from the light source to the optical recording medium by a transmitting portion of the optical device, and transmitting the light beam reflected from the optical recording medium to said diffracting device by the transmitting portion of the optical device (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); collimating the light beam transmitted through the transmitting portion of the optical device by a collimating lens (Fig. 1, element 44); focusing the light beam from the collimating lens to the optical recording medium by an objective lens (Fig. 1, element 52); detecting the light beam reflected from the optical recording medium through the objective lens, the collimating lens, the optical device, and the diffracting device, for signal light detection by a photodetecting device (Fig. 1, element 68); and diffracting the part of the light beam reflected by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection of the light source (Fig. 1, elements 42 and 72).

In regard to claim 17, Kay discloses that the said photodetecting device is used to control output of said light source (Col. 6, lines 32-56).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 7-8, 11, 13, 15, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Ohyama (US 6,512,608).

In regard to claim 5, Kay discloses 5. An optical pickup apparatus for reading/ reproducing data on an optical recording medium, comprising: a light source configured to a emit light beam (Fig. 1, element 40); a diffracting device configured to transmit the light beam emitted from the light source and to diffract a light beam reflected from the optical recording medium (Fig. 1, element 42); an optical device having a reflecting portion and a transmitting portion, configured to reflect one part of the light beam emitted from the light source to the diffracting device by the reflecting portion and to transmit other parts of the light beam emitted from the light source to the optical recording medium by the transmitting portion, and to transmit the light beam reflected from the optical recording medium to the diffracting device by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); a photodetecting device configured to detect the light beams reflected from the optical recording medium through the optical device with reflecting portion and the diffracting device, for signal light detection (Fig. 1, element 68); and wherein the diffracting device includes plural diffracting portions to diffract the light beam reflected by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection the light source (Fig. 1, elements 42 and 72 and

Fig. 3). Kay does not disclose light sources configured to emit light beams of different wavelengths or that each of the diffracting portions corresponds to one of the different wavelengths.

Ohyama discloses light sources configured to emit light beams of different wavelengths and a diffracting device that includes plural diffracting portions, in which each of the diffracting portions corresponds to one of the different wavelengths (Figs. 2-4, elements 25, 27, 29. 31, and 33 and Col. 8, lines 38-42). Ohyama discloses that the light sources and the diffracting device with plural diffracting portions that correspond to one of the different wavelengths are used to make an optical pickup apparatus compatible with more types of optical recording mediums (Col. 1, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the optical pickup apparatus of Kay, the light sources and the plural diffracting portions corresponding to one of the different wavelengths of Ohyama, the motivation being to increase the types of optical recording mediums with which the optical pickup apparatus is compatible.

In regard to claim 7, Kay discloses that the optical device is integrated with the diffracting device (Fig. 1, elements 34, 42, and 64 and Col. 6, lines 22-24).

In regard to claim 8, Kay in view of Ohyama discloses the optical pickup apparatus of claim 5. Kay discloses that the diffracting device is a polarization hologram whose diffracting function is different according to a polarization state of the incident light beam, and includes plural polarization hologram portions configured to diffract the light beams of the different wavelengths reflected from the optical device to the photodetecting device for monitor light detection (Col. 4, line 64 - Col. 5, line 1).

In regard to claim 11, Kay discloses an optical pickup apparatus for reading/reproducing data on an optical recording medium, comprising: light emitting means for emitting a light beam (Fig. 1, element 40); diffracting means for transmitting the light beam emitted from the light emitting means and for diffracting a light beam reflected from the optical recording medium (Fig. 1, element 42); optical means having a reflecting portion and a transmitting portion, for reflecting parts of the light beam emitted from the light emitting means to the diffracting means by the reflecting portion, and for transmitting other parts of the light beam emitted from the light emitting means to the optical recording medium by the transmitting portion, and for transmitting the light beam reflected from the optical recording medium to the diffracting means by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); detecting means for detecting the light beam reflected from the optical recording medium through the optical device and the diffracting device, for signal light detection (Fig. 1, element 68); and wherein the diffracting means includes plural diffracting portions to diffract the parts of the light beam reflected by the reflecting portion of the optical means to the detecting means, so as to be detected on the detecting means for monitor light detection of each of the light emitting means (Fig. 1, elements 42 and 72 and Fig. 3). Kay does not disclose a light emitting means for emitting light beams of different wavelengths or that each of the diffracting portions corresponds to one of the different wavelengths.

Ohyama discloses a light emitting means for emitting light beams of different wavelengths and a diffracting means that includes plural diffracting portions, in which each of the diffracting portions corresponds to one of different wavelengths of said light beams (Figs. 2-4, elements 25, 27, 29. 31, and 33 and Col. 8, lines 38-42). Ohyama discloses that the light emitting means and the diffracting means with plural diffracting portions that correspond to one of the different

wavelengths are used to make an optical pickup apparatus compatible with more types of optical recording mediums (Col. 1, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the optical pickup apparatus of Kay, the light emitting means and the plural diffracting portions corresponding to one of the different wavelengths of Ohyama, the motivation being to increase the types of optical recording mediums with which the optical pickup apparatus is compatible.

In regard to claim 13, Kay discloses an optical data recording/reproducing apparatus for recording/reproducing data on an optical recording medium, comprising: a light source configured to a emit light beam (Fig. 1, element 40); a diffracting device configured to transmit the light beam emitted from the light source and to diffract a light beam reflected from the optical recording medium (Fig. 1, element 42); an optical device having a reflecting portion and a transmitting portion, configured to reflect parts of the light beam emitted from the light source to the diffracting device by the reflecting portion, and to transmit other parts of the light beam emitted from the light source to the optical recording medium by the transmitting portion, and to transmit the light beam reflected from the optical recording medium to the diffracting device by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); a collimating lens configured to collimate the light beam transmitted through the transmitting portion of the optical device (Fig. 1, element 44); an objective lens configured to focus the light beams from the collimating lens onto the optical recording medium (Fig. 1, element 52); a photodetecting device configured to detect the light beam reflected from the optical recording medium through the objective lens, the collimating lens, the optical device and the diffracting device, for signal light detection (Fig. 1, element 68); and wherein the diffracting device includes plural diffracting portions to diffract the light beam reflected

by the reflecting portion of the optical device to the photodetecting device, so as to be detected on the photodetecting device for monitor light detection of the light source (Fig. 1, elements 42 and 72 and Fig. 3). Kay does not disclose light sources configured to emit light beams of different wavelengths or that each of the diffracting portions corresponds to one of the different wavelengths.

Ohyama discloses light sources configured to emit light beams of different wavelengths and a diffracting device that includes plural diffracting portions, in which each of the diffracting portions corresponds to one of the different wavelengths (Figs. 2-4, elements 25, 27, 29. 31, and 33 and Col. 8, lines 38-42). Ohyama discloses that the light sources and the diffracting device with plural diffracting portions that correspond to one of the different wavelengths are used to make an optical data recording/reproducing apparatus compatible with more types of optical recording mediums (Col. 1, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the optical data recording/reproducing apparatus of Kay, the light sources and the plural diffracting portions corresponding to one of the different wavelengths of Ohyama, the motivation being to increase the types of optical recording mediums with which the optical pickup apparatus is compatible.

In regard to claim 15, Kay discloses an optical data recording/reproducing apparatus for recording/reproducing data on an optical recording medium, comprising: light emitting means for emitting a light beam (Fig. 1, element 40); diffracting means for transmitting the light beam emitted from the light emitting means and for diffracting a light beam reflected from the optical recording medium (Fig. 1, element 42); optical means having a reflecting portion and a transmitting portion, for reflecting parts of the light beam emitted from the light emitting means to the diffracting means

by the reflecting portion and for transmitting other parts of the light beam emitted from the light emitting means to the optical recording medium by the transmitting portion, and for transmitting the light beam reflected from the optical recording medium to the diffracting means by the transmitting portion (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); collimating means for collimating the light beam transmitted through the transmitting portion of the optical means with reflecting portion (Fig. 1, element 44); focusing means for focusing the light beam from the collimating means to the optical recording medium (Fig. 1, element 52); detecting means for detecting the light beam reflected from the optical recording medium through the collimating means, the focusing means, the optical means, and the diffracting means, for signal light detection (Fig. 1, element 68); and wherein the diffracting means includes plural diffracting portions to diffract the parts of the light beam reflected by the reflecting portion of the optical means to the detecting means, so as to be detected on the detecting means for monitor light detection of each of the light emitting means (Fig. 1, elements 42 and 72 and Fig. 3). Kay does not disclose a light emitting means for emitting light beams of different wavelengths or that each of the diffracting portions corresponds to one of the different wavelengths.

Ohyama discloses a light emitting means for emitting light beams of different wavelengths and a diffracting means that includes plural diffracting portions, in which each of the diffracting portions corresponds to one of different wavelengths of said light beams (Figs. 2-4, elements 25, 27, 29. 31, and 33 and Col. 8, lines 38-42). Ohyama discloses that the light emitting means and the diffracting means with plural diffracting portions that correspond to one of the different wavelengths are used to make an optical pickup apparatus compatible with more types of optical recording mediums (Col. 1, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the optical pickup apparatus of Kay, the light emitting means and the plural diffracting portions corresponding to one of the different wavelengths of Ohyama, the motivation being to increase the types of optical recording mediums with which the optical pickup apparatus is compatible.

In regard to claim 18, Kay discloses an optical data recording/reproducing method for recording/reproducing data on an optical recording medium, comprising: emitting a light beam by a light source (Fig. 1, element 40); transmitting the light beam emitted from the light source and diffracting a light beam reflected from the optical recording medium by a diffracting device (Fig. 1, element 42); reflecting parts of the light beam emitted from the light source to the diffracting device by a reflecting portion of an optical device and transmitting other parts of the light beam emitted from the light source to the optical recording medium by a transmitting portion of the optical device, and transmitting the light beam reflected from the optical recording medium to said diffracting device by the transmitting portion of the optical device (Fig. 1, elements 34 and 64 and Col. 6, lines 22-24); collimating the light beam transmitted through the transmitting portion of the optical device by a collimating lens (Fig. 1, element 44); focusing the light beams onto the optical recording medium by an objective lens (Fig. 1, element 52); detecting the light beam reflected from the optical recording medium through the objective lens, the collimating lens, the optical device, and the diffracting device, for signal light detection by a photodetecting device (Fig. 1, element 68); and diffracting the light beam reflected by the reflecting portion of the optical device to the photodetecting device through plural diffracting portions so as to be detected on the photodetecting device for monitor light detection the light source (Fig. 1, elements 42 and 72 and

Fig. 3). Kay does not disclose emitting light beams of different wavelengths or that each of the diffracting portions corresponds to one of the different wavelengths.

Ohyama discloses emitting light beams of different wavelengths by light sources and plural diffracting portions that correspond to one of the different wavelengths (Figs. 2-4, elements 25, 27, 29. 31, and 33 and Col. 8, lines 38-42). Ohyama discloses that emitting light beams of different wavelengths and plural diffracting portions that correspond to one of the different wavelengths are used to make an optical data recording/reproducing method compatible with more types of optical recording mediums (Col. 1, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the optical data recording/reproducing method of Kay, the light emitting means and the plural diffracting portions corresponding to one of the different wavelengths of Ohyama, the motivation being to increase the types of optical recording mediums with which the optical data recording/reproducing method is compatible.

In regard to claim 19, Kay in view of Ohyama discloses the method according to claim 18. Kay discloses using said photodetecting device to control output of said light source (Col. 6, lines 32-56).

Citation of Relevant Prior Art

9. Miura (US 6,463,023) discloses a diffractive reflective portion used for monitoring laser power (Fig. 6). Krantz et al (US 5,212,572) discloses plural diffracting sections a reflecting portion for reflecting light to a power monitor (Fig. 1). Fujikawa et al (US 5,495,464) and Kim et al (US 6,507,548) disclose monitoring light power of two light sources.

Allowable Subject Matter

10. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record alone or in combination disclose or suggest an optical pickup apparatus having an optical device that has plural reflecting portions that are arranged at positions corresponding to light beams at different wavelengths, a diffracting device having **plural diffracting portions that are arranged at positions corresponding to plural reflecting portions of the optical device**, and light beams of different wavelengths that are reflected from the plural reflecting portions of the optical device and diffracted by the plural diffracting portions of the diffracting device to a photodetecting device for monitoring light detection of each of the light sources.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Michael Battaglia

W. R. YOUNG
PRIMARY EXAMINER